

JOHN McCAIN
ARIZONA

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
COMMITTEE ON ARMED SERVICES
COMMITTEE ON INDIAN AFFAIRS

United States Senate

July 9, 2003

Ms. Elaine Zelinski
Arizona Director
Bureau of Land Management
222 North Central Ave.
Phoenix, Arizona 85004

Bureau of Land Management
Arizona State Office
Phoenix, Arizona

JUL 11 2003

Dear Director:

910	_____	930	_____
EEO	_____	950	_____
910B	_____	Field Office	_____
911	_____	Central Files	_____
912	_____	FOIA	_____
917	_____	Action	_____

I wish to bring to your attention a matter concerning my constituent, **Ex. 6** who has encountered a problem with obtaining information regarding the status of Harbolite Mining permits. Please investigate my constituent's claim, within the existing rules, regulations and ethical guidelines, and provide me with a copy of the final decision. MARK ALL CORRESPONDENCE TO:

Attn: NICK MATIELLA
Office of Senator John McCain
2400 Arizona Biltmore Circle
Suite 1150
Phoenix, Arizona 85016

The response you provide will be most appreciated and will be forwarded to my constituent. If you should have any questions in the meantime, you can reach my office at (602) 952-2410. I look forward to your reply at your earliest convenience.

Sincerely,



John McCain
United States Senator

JM/xnm

241 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-0303
(202) 224-2235

4450 SOUTH RURAL ROAD
SUITE B-130
TEMPE, AZ 85282
(480) 897-6289

2400 EAST ARIZONA
BILTMORE CIRCLE
SUITE 1150
PHOENIX, AZ 85016
(602) 952-2410

450 WEST PASEO REDONDO
SUITE 200
TUCSON, AZ 85701
(520) 670-6334

TELEPHONE FOR HEARING IMPAIRED
(202) 224-7132
(602) 952-0170

June 30, 2003

Senator John McCain
4450 W. Rural Road
Tempe, Arizona 85282

JUL 18 2003

03 JUL -2 AM 11:09

Subject: HISTORICAL AND INDIAN ARTIFACTS PRESERVATION

Legal Description: Township: 02S, Range: 12E of the Gila and Salt River
Base and Meridian, Pinal County, Arizona
Sections 8 & 9

Dear Senator McCain,

I am writing in a desperate attempt to save existing historical and Indian artifacts threatened by the Harborlite perlite mining operation located west of Superior, Arizona and near Forest Service road #989.

The **Ex. 6** family purchased 40 acres adjacent to the perlite mine in 1982. At that time the area in question consisted of a natural spring fed lake and a small pit where tourists would dig for Apache Tear rocks.

Over the last three (3) years in particular, the Harborlite operation has expanded to the point of jeopardizing existing artifacts located in the immediate area. Reference attached picture pages 1 through 3 which reflect findings on our property. We have made every attempt to preserve these gifts. An Indian corn grinding "Metate" rock is a prized possession found on our land. Picture page 4 shows the Queen Creek area which was once bordered by the old City of Pinal.

Please reference the "Status of Public Domain Land and Mineral Titles MTP Suppl. Sec. 8,9" (picture page 5 map) which lists Harborlite mineral surveys. Our property is designated as H.E.S. 167 and highlighted in yellow. Clearly Harborlite claims extend past our property line to the west and into the abandoned City of Pinal. The Forest Service considered this area significant enough to conduct extensive mapping of the city over the last few years. It is important to note that our request to improve an existing road along our northern boundary was denied by the Forest Service due to numerous "Findings" discovered during their review of the road.

Picture page 6 contains detailed information on the mining claims in question. Picture pages 7 and 8 reflect the destruction of land caused by the Harborlite mining operation through May of 2003. The mountain rising in the background on page 7 is Picket Post which shadows the Boyce Thompson Southwest Arboretum State Park. Page 8 pictures were taken inside our property fence line and reflect how close this mining operation is to existing historical artifacts such as found on our property.

Picture pages 9 through 13 represent the mountain which will be destroyed as Harborlite continues its expansion toward the west under its I-Do-It (MS4871), Dewberry (MS4204), Havalina 1 & 2 and other claims. Please reference the pictures on pages 10 through 13 in particular which show caves in this mountain where Indian artifacts have been found. Of particular historic value is the picture page 14 primitive smelter cave which is carved into this same mountain. Early miners processed ore via a 4' high entrance into a 12' round room with a 6' wide x 30' high chimney tunneled overhead to the mountain surface. Interior walls are melted and glazed from the intense heat.

While it is recognized that Harborlite has the right to mine its claims, they do not have the right to destroy history and artifacts which exist within those same mining claims. My attempts to have the Tonto National Forest Service, the Bureau of Land Management and the Arizona State Mine Inspectors office address this issue have been unsuccessful. The US Forest Service advises that the Harborlite claims are patented and directs me to the Bureau of Land Management. Bureau of Land Management tells me the claims are unpatented and directs me to the US Forest Service. Even my attempt to secure a public record copy of the Harborlite Plan of Operations resulted in a Tonto Forest Service Ranger telling me that the information on file was "obsolete".

I am urgently and respectfully requesting your assistance in saving these irreplaceable treasures for current and future generations. Thank you for your assistance in this matter and I look forward to receiving your response.

Sincerely,

Ex. 6

Ex. 6

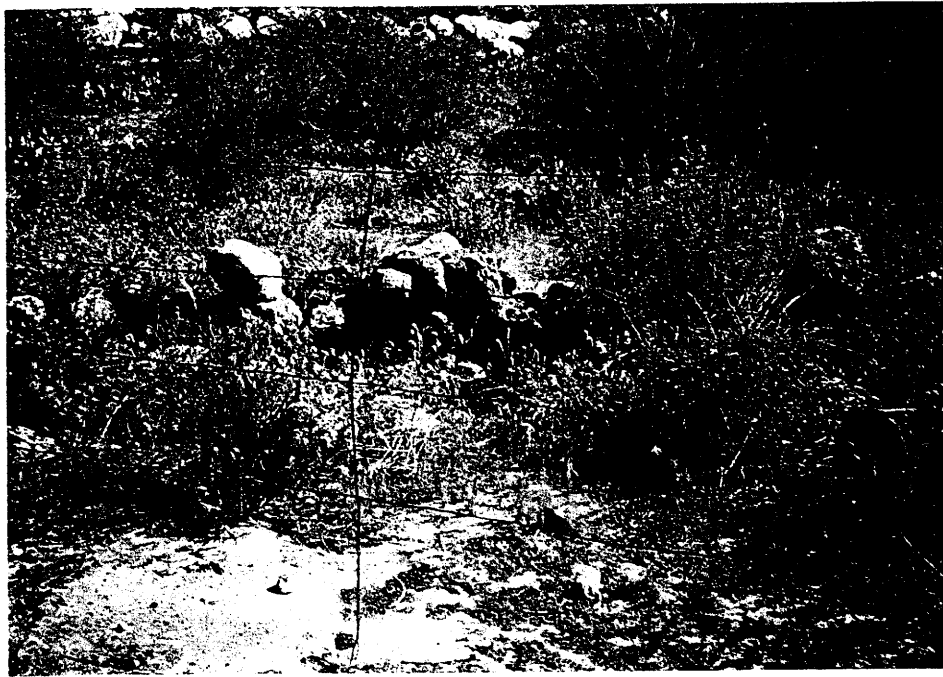
cc:	The Honorable Janet Napolitano	Governor of Arizona
	Senator Jon Kyle	United States Senator - Arizona
	Congressman Rick Renzi	Congressional Representative - Arizona District 1
	Senator Pete Rios	Arizona State Senator - Pinal County
	Representative Ernest Bustamante	Pinal County Representative
	Representative Cheryl Chase	Pinal County Representative

ATTACHMENTS

**HISTORICAL AND INDIAN ARTIFACTS PRESERVATION LETTER
DATED: JUNE 30, 2003**

Ex. 6



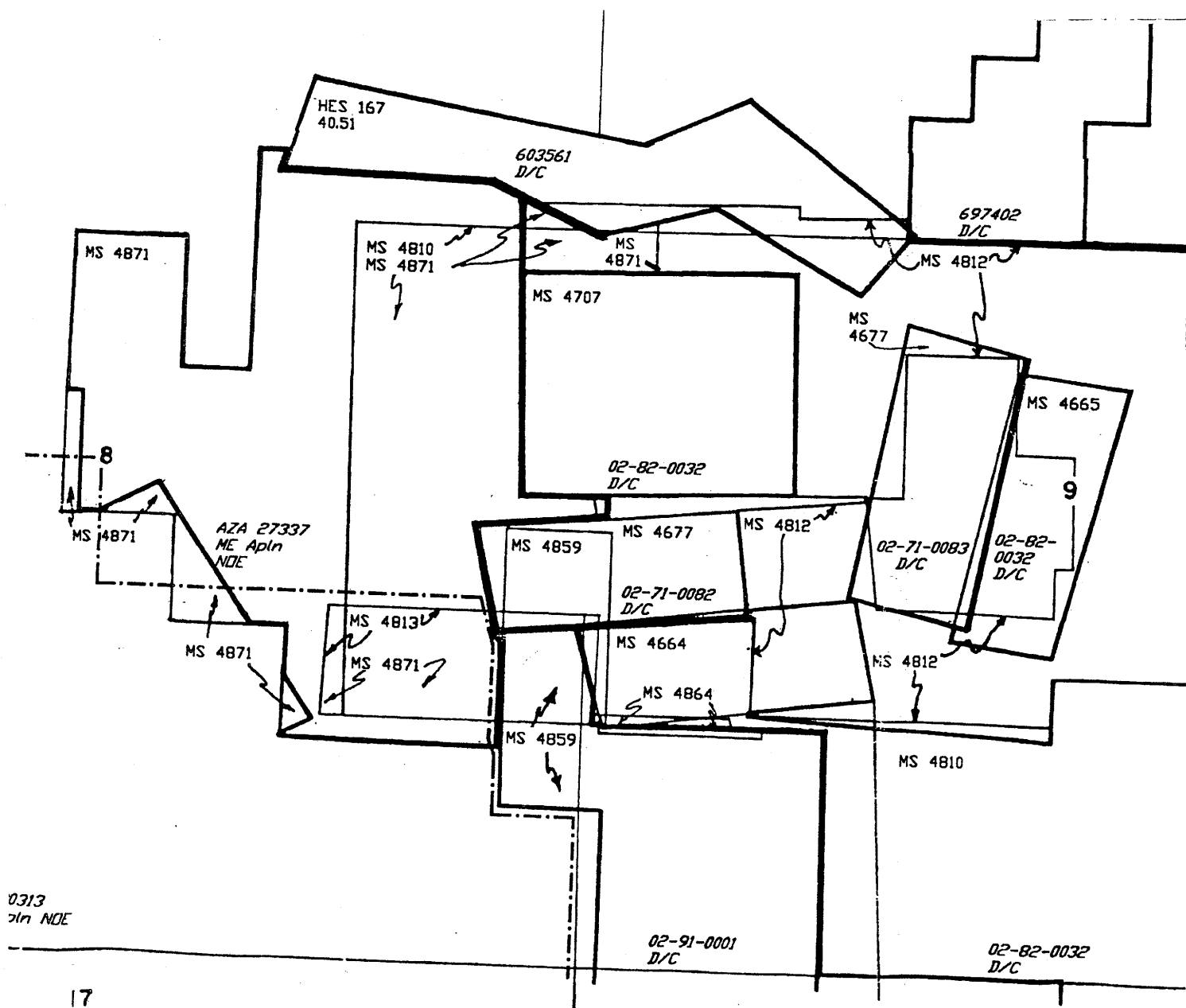








**STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
TOWNSHIP 2 SOUTH RANGE 12
EAST OF THE GILA AND SALT RIVER MERIDIAN
PINAL COUNTY, ARIZONA
MTP
SUPPL. SEC. 8,9**



NW 1/4, T. 2 S., R. 12 E.

MINERAL CREEK DIST.

PIONEER DIST.

PICTURE
PAGE

6

Sec. 5

Sec. 4

DEWBERRY
4204

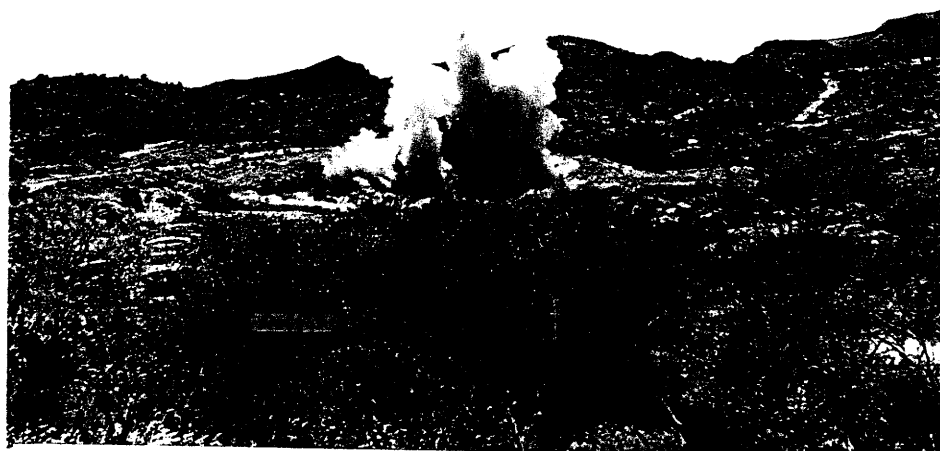
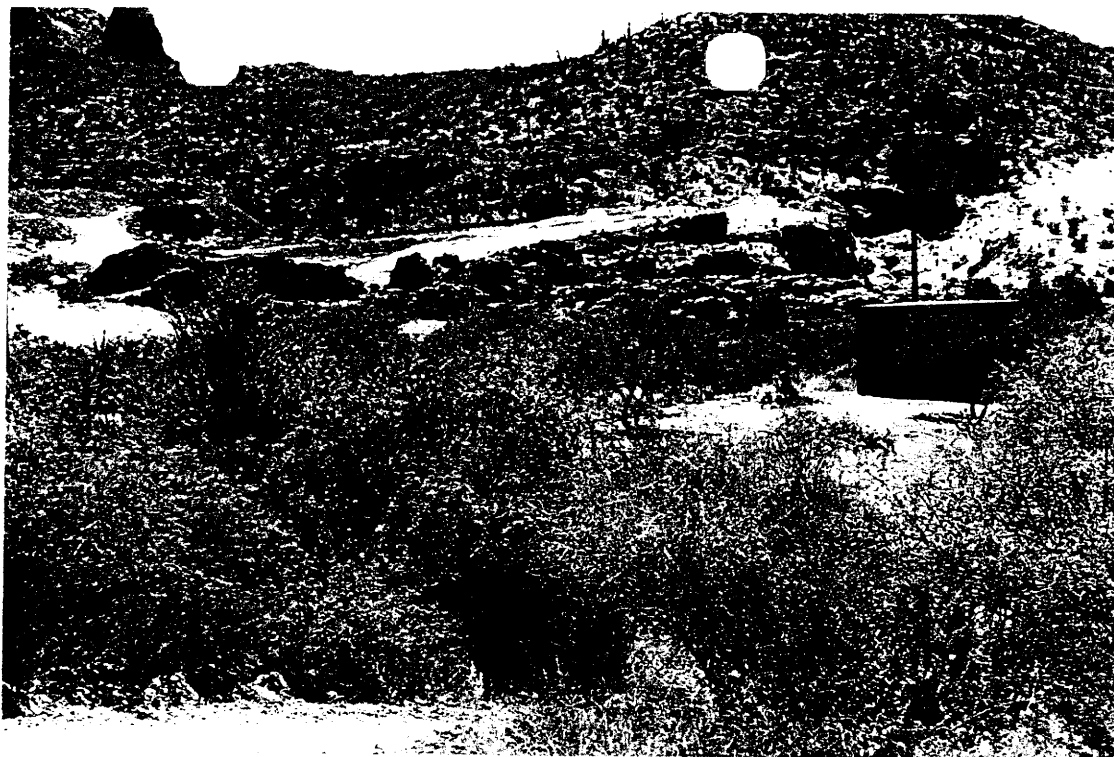
Sec. 8

Sec. 9

Sec. 17

Sec. 16

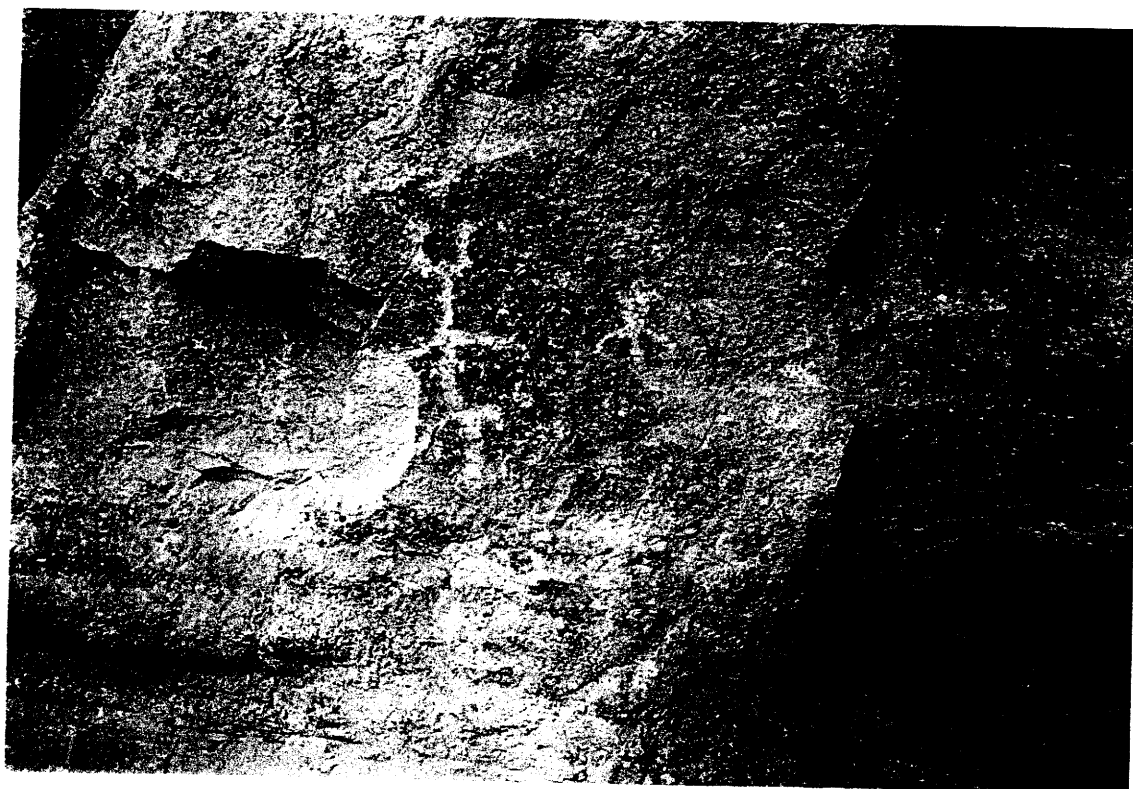




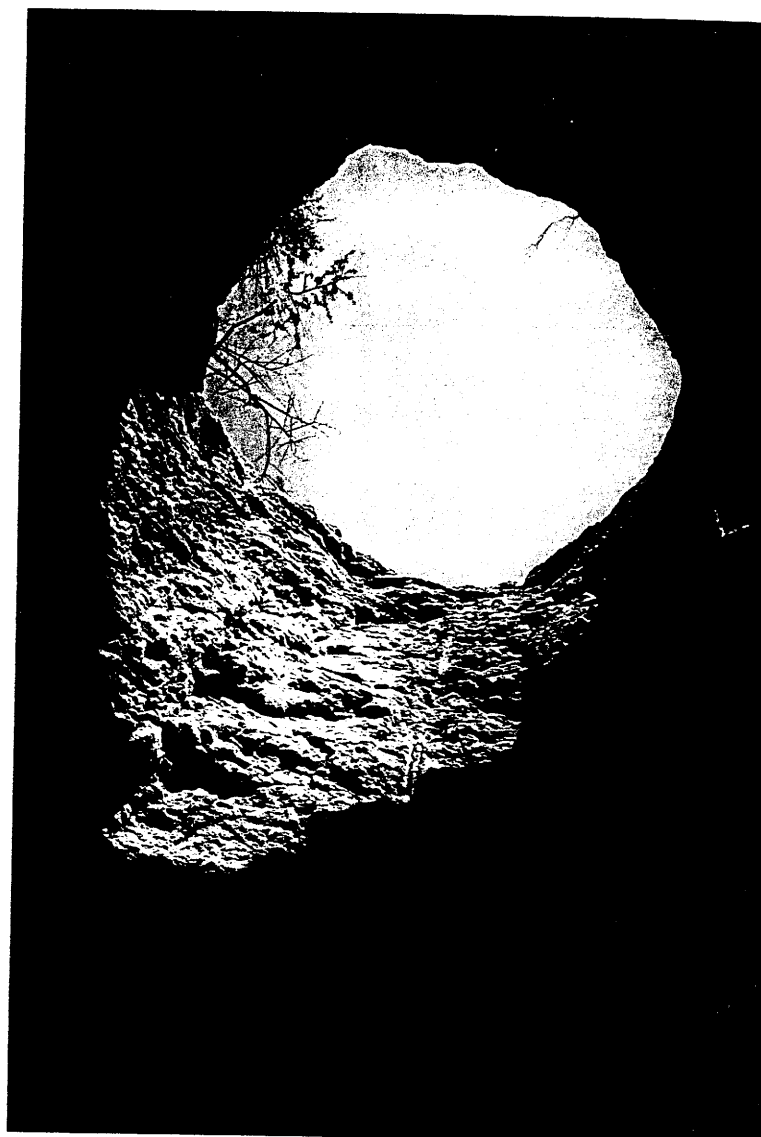












OFFICIAL COPIES:

CF

SD

GROUP

AUTHOR

Y. Clancy 7/18/03
St. Lawrence 7/18/03
Terri Riddin 7/18/03
Gayle 2/18/03
Shelley 7/18/03

1781/8100 (AZ-931)

July 25, 2003

Honorable John McCain
United States Senate
Attn: Nick Matiella
2400 Arizona Biltmore Circle
Suite 1150
Phoenix, Arizona 85016

Don't know 7/21/03
Harvey 7/23/03
Montgomery 7/25/03

Dear Senator McCain:

This letter is in response to your recent inquiry requesting assistance on behalf of your constituent,

Ex. 6

Ex. 6

recent letter dated June 30, 2003, concerned the potential threat to historical and archaeological materials associated with the Harborlite perlite mining operation located west of Superior, Arizona, near Forest Service Road #989. We share his concern for the important and irreplaceable cultural heritage of our State, and we appreciate very much his efforts to protect it. We would like to clarify, however, that the Bureau of Land Management has no jurisdiction over the mining operation near his property.

Based upon our land ownership records, the mining operation in question is not located on public land administered by the Bureau of Land Management (BLM), nor is there BLM-administered land in the immediate area referenced in his letter. Current records show that the area he described consists of land under the jurisdiction of the U.S. Forest Service, and private land including patented mining claims.

We contacted the Tonto National Forest with regard to this matter. They were aware of the mining operation, as well as the previous cultural resource surveys conducted in the area, and they confirmed that the mining activity was taking place on private land on a patented mining claim. Therefore, BLM federal regulations do not apply, and the BLM has no jurisdiction in this matter.

I hope this information has been helpful in resolving the question of land ownership and federal jurisdiction. Thank you, again, for your inquiry.


If you have any questions or I can be of further assistance, please feel free to contact me at (602) 417-9500.

Sincerely,

Elaine Y. Zielinski
State Director

If you have additional questions or would like to discuss this matter further, you may wish to contact the U.S. Forest Service, Globe Ranger District at (928) 402-6200.

Sincerely,

15/ 

for

Elaine Y. Zielinski
State Director

cc: Globe Ranger District
Your Washington Office